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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,523	05/25/2001	WALTER R. KLAPPERT	3063/2A	4790
29858	7590	10/03/2005	EXAMINER	
BROWN, RAYSMAN, MILLSTEIN, FELDER & STEINER LLP 900 THIRD AVENUE NEW YORK, NY 10022			BROWN, RUEBEN M	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/866,523	Applicant(s) KLAPPERT, WALTER R.	
	Examiner Reuben M. Brown	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/23/02</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wistendahl, (U.S. Pat # 5,708,845), in view of Peairs, (U.S. Pat # 6,182,090).

Considering claim 1, the claimed system for providing an interactive look-and-feel in a playing device receiving digital information, comprising:

‘a signal generator which generates a digital signal comprising interleaved bits of at least one audio, video and binary data for play on a playing device, and private data’, is met by the workstation, disclosed in Wistendahl, which is used by an author to edit audiovisual information and add hyperlinks to the instant audiovisual information, see col. 4, lines 60-67; col. 9, lines 24-60.

Art Unit: 2611

The claimed 'private data that includes an event identification for the at least one audio, video or binary data for linking to additional at least one audio, video or binary data, such that each hot-spot is linked to at least one of the additional audio, video or binary data, wherein the link data includes a set of coordinates defining a location on the playing device', is met by the teachings of Wistendahl, which teaches that the system uses N Data that designates the area of hot-spots on a TV screen, col. 5, lines 55-67. Thus, the claimed 'private data' reads on N Data.

As for the additionally claimed feature of the 'private data' including 'an indication of the number of hot-spots', Wistendahl does not discuss such a feature. Nevertheless Peairs, which is in the same filed of endeavor, teaches that when multiple interactive icons are placed on a page or document that it is advantageous to keep track of the total icons, at least by providing each icon with a sequential number, Abstract; col. 4, lines 35-65. It would have been obvious for one of ordinary skill in the art, at the time the invention was made, to modify Wistendahl with the feature of numbering the interactive icons, which reads on the claimed 'hot-spots', for the desirable improvement of indexing the content on the page, as taught by Peairs.

Regarding the claimed feature of the 'synchronization time indicating the temporal position of the additional information with at least one of audio, video or binary data', Wistendahl teaches that using a conventional time sequence (col. 5, lines 25-45) or a frame tracking tool, which determines the number of frames, i.e. time for a hot-spot, see col. 11, lines 45-67.

The claimed 'means for broadcasting the digital signals', is met by the operation of the server 30 of Wistendahl, which broadcasts programs to subscribers, Fig. 3 & col. 6, lines 55-67.

The claimed 'receiver which receives the digital signal at the user locations, and plays at least one of audio, video or binary data on the playing device, and selectively features the hot-spots', reads on the operation of the subscriber's set top box 32 of Wistendahl, col. 6, lines 55-67 & col. 7, lines 14-67.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Hoddie Teaches tracking location of hot-spots.

Art Unit: 2611

Any response to this action should be mailed to:

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or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown


REUBEN M. BROWN
PATENT EXAMINER